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Paper No. 10

D Ancona & Pflaum
111 East Wacker Drive, Suite 2800
Chicago, IL 60601

In re Application of
Joel Donald Gray et al.
Application No. 09/432,523
Filed: November 3, 1999
Attorney Docket No. 100344-005

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DEC 11 2000

**OFFICE OF PETITIONS
A/C PATENTS**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 13, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely respond to the non-final Office action mailed March 9, 2000, which set a shortened statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 10, 2000.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application file is being forwarded to Technology Center AU 3731, for further processing.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Foley & Lardner
One IBM Plaza
330 North Wabash Avenue, Ste. 3300
Chicago, IL 60611-3608